

19.130 LIMITED DUTY PERSONNEL

Reference:

Americans with Disabilities Act (ADA)
Procedure: 19.140, Outside Employment
Procedure: 13.110, Assignment, Rotation and Transfer
of Personnel

Policy:

The Police Department recognizes its responsibility in retaining personnel, who have performed satisfactorily, but have become temporarily or permanently incapacitated.

The Department may, under certain circumstances, retain permanently limited duty employees.

When an employee is injured or ill to the extent they can no longer perform the usual work of their job classification responsibilities in the foreseeable future, the employee's district/section commander will request a medical evaluation and prognosis from the City Physician. If the City Physician determines the employee will not be able to return to full duty, either the medical separation process will begin or the employee may be placed in a permanent limited duty position.

Procedure:

A. Temporary Limited-Duty Assignments:

1. The Personnel Section Director will assign all personnel placed on temporary limited duty based upon the needs of the Department.
 - a. District/section commanders or acting commanders will advise the Personnel Section Director if temporary limited duty personnel can be utilized in their current unit of assignment.

- b. Appeals of the Personnel Section Director's decision will be to the Director's Bureau Commander or the Police Chief.

B. Outside Employment While on Limited Duty:

1. Outside Employment Extension of Police Service Details

While Police Department members are on limited duty status, they are prohibited from engaging in outside employment as an extension of police service, whether in uniform or civilian clothes. Since limited duty officers are unable to provide a full range of services while on duty, they could not be expected to do so if engaged by a private employer.

2. Outside Employment Not Police Related

This type of employment will be permitted as long as it does not exceed the individual's capabilities and does not conflict with his/her limited duty status. The work restrictions and/or limitations noted on the City Physician's report will be considered in determining an individual's capabilities. If an individual's outside employment activity exceeds his/her restrictions and/or limitations, the employee should be referred to EHS for re-evaluation. If restrictions are lifted, he/she will be returned to full duty. If restrictions affirmed, he/she will be on restricted duty and be restricted from outside employment.

C. Medical Separations:

1. A letter from the Police Chief and countersigned by the Human Resources Department Director will be given to the affected employee advising him/her that due to his medical status and prognosis, he/she will be medically separated. The letter will contain:
 - a. The specific date of separation, which will usually be the Sunday closest to 60 days from the date of the letter.
 - b. A statement regarding the Civil Service appeal for reinstatement after separation, when appropriate.
 - c. A due date for a written response to the Police Chief if the employee believes the injury/illness is covered by the Americans with Disabilities Act (ADA), and the employee is requesting accommodation under ADA. This due date will be 10 days from the date of the notification letter. The employee must complete an ADA request for accommodation form, which is attached to the medical separation letter and include a letter from their physician stating their specific limitations.
2. The Department will ensure any request for an ADA accommodation will be immediately reviewed by the Police Department ADA review team which is coordinated by the Personnel Section Director.
 - a. Within 5 days after the decision by the review team and following approval by the Police Chief, a written decision will be provided to the employee.

3. If the request for accommodation can be handled within the Police Department, Police Personnel Section will coordinate the process including the necessary paperwork.
4. If a request for accommodation cannot be handled within the Police Department, the Personnel Section Director will forward the request to the City ADA coordinator. That coordinator will review the request and search for possible accommodations on a city-wide basis in an attempt to accommodate the employee.
 - a. The City ADA coordinator will remain in contact with the Personnel Section Director and the affected member.
 - b. A written decision will be sent to the affected member as quickly as possible.
 - c. The employee will have 10 days to notify the Police Chief of his intent to accept or decline the accommodation.
5. If the employee's request does not meet the requirements for an accommodation under the ADA law, he/she will be notified in writing within 5 days after the decision by the review team and following approval by the Police Chief.
6. Appeal of either the Police Department or the City ADA Coordinators' written decision can be made to the Human Resources Department Director with 10 days of receiving the decision.
7. If the employee is not successful in the appeal process, the medical separation date will be reinstituted.

D. Permanent Limited Duty Sworn Employees

1. Any sworn employee who is placed in a permanent limited duty ADA accommodation status will be relieved of his/her Department issued firearm and powers of arrest. By doing so, the employee will have no authority or responsibility to take police action which could further aggravate his/her injury.
 - a. All police equipment will be surrendered immediately upon notification of permanent limited duty status.
 - b. ID card will be reissued with stamp of permanent limited duty status.